

CONCERNED CITIZENS OF RUSSELL

Concerned Citizens of Russell is dedicated to creating and preserving a quality of life in the Westfield River Valley that promotes and protects our sense of community, the health and well-being of our citizens (especially the vulnerable) and the environment.

July 17, 2006

Robert Sydney
General Counsel
Division of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Re: Final Comments on Proposed Revisions to the Regulations for the Massachusetts Renewable Energy Portfolio Standard, 225 CMR 14.00

Dear Mr. Sydney, Mr. Bernstein, Mr. Breger et al:

Greetings from the little town of Russell MA, home of the proposed “demonstration project” of renewable biomass energy for the Pioneer Valley.

Your agency is in the final stages of approving construction and demolition debris (C&D) as eligible fuel for renewable energy plants, as well as making a number of other significant changes in the RPS Regulations. I have found it very instructive to read others’ comments on the proposed changes. In these letters, various parties have pointed out that burning C&D poses a serious threat to public health, that some aspects of the proposed changes violate the express intent of the Governor, the Legislature, and the RPS Regulations, that your agency is exceeding its authority, and that the entire process is being conducted in a manner that thwarts meaningful public discourse.

I think our story here in Russell illustrates the importance of the C&D question. Concerned Citizens of Russell was formed after Russell Biomass surveyed voters in our town asking what they would think of a renewable energy plant burning “clean scrap lumber.” “Clean scrap lumber” was C&D--but nobody here knew that at the time except Russell Biomass. Later, in their application to the town, Russell Biomass reported that they wanted to burn “clean recycled wood,” or CRW, sorted from C&D. Russell Biomass developer Bill Hull emphasized repeatedly in a public hearing, “CRW is not C&D.” I subsequently asked both DEP and DOER about “CRW”, and they said they had never heard of it. They said CRW is C&D.

I tell this story to make the point that Russell Biomass would have gotten nowhere in our town if they had plainly stated from the beginning that they planned to burn C&D. Furthermore, as soon as it was generally known that C&D was to be burned in the plant, Russell Biomass had to very quickly “promise” not to burn it at all. That is how C&D incineration is viewed in the court of public opinion—it is swiftly and almost universally condemned.

You too are foisting this toxic cornucopia on the innocent citizens of our state as “renewable energy.” You must think twice about what will happen if you approve this fuel. Right now it’s very quiet because virtually no one knows about this situation, but you must think of what will happen *when it is known*. You must consider the opprobrium that will descend, the lawsuits that

will result. Whether it comes town by town or as a statewide movement, the people will expose and oppose this serious threat to our health. We will win for our children and grandchildren a better future than you propose.

Consider what has happened in New Hampshire over the last few years as a group of companies have lobbied to burn C&D as biomass fuel. In brief, the conservative majorities of both houses of the Legislature, the Governor, three major medical associations, and the citizenry have been galvanized and united in their opposition to burning C&D. The New Hampshire story is fully covered at www.leadfreeordie.com, with many excellent articles archived for your perusal.

Governor John Lynch expressed his opposition to burning C&D in his State of the State Address in January: "Mercury pollution poisons our waterways and jeopardizes the health of our citizens. This year, we must pass legislation to reduce mercury emissions from power plants in New Hampshire. But it makes no sense to reduce mercury pollution from one source, only to turn around and allow new mercury polluters in New Hampshire. Construction and demolition debris is not burned as fuel in any of our neighboring states except Maine - and 80 percent of what is burned in Maine comes from out of state. We must not let New Hampshire become the new dumping ground for this toxic material." --NH Governor John Lynch, State of the State, January 2006 <http://www.nh.gov/governor/speeches/documents/011806state.htm>

Even the head of the New Hampshire Department of Environmental Services, Commissioner Mike Nolin, Lobbied to Place a Statewide Moratorium on the Burning of C&D, as explained in a Concord Monitor article: "Until last year, the [DES] commissioner backed the department's decision to issue permits to Bio Energy's Hopkinton plant allowing the company to burn construction and demolition debris, a project the governor objected to. The plant would have become the state's largest industrial emitter of lead. After setting up a series of meetings with Bio Energy opponents, Nolin changed his mind, said Scott Flood, a founding member of opposition group REACH. With Nolin's support, the Legislature passed a moratorium on construction and demolition debris burning and recently extended the ban. 'We would not have gotten either one of those bills if it had not been for the assistance of the commissioner lobbying in conjunction with the governor's office,' Flood said." <http://www.concordmonitor.com/apps/pbcs.dll/article?AID=/20060605/REPOSITORY/606050306>. See attachment.

I bring up the New Hampshire story because these changes proposed by DOER come along with a plan to build a fleet of biomass facilities all over Massachusetts. I must ask if you have truly considered the consequences of the proposed regulation changes in their entirety. Admittedly, I am very green after just one year of involvement with this, but I gather from the initial comments posted on your web site that if these changes go through as proposed, our state could become infamous for depressing REC prices, preserving and rewarding outdated biomass technology, killing many worthy renewable projects, and becoming host to many new, highly toxic C&D plants of which you would not even require half-decent emissions controls. It doesn't sound good.

In their comments to DOER, Wallenstein et al point out that "The Proposed Regulations...would...allow non-renewable fuels such as construction and demolition waste to qualify as biomass fuels, *which is not permitted by the RPS statute.*" If it is not permitted, why is it being considered? I am not asking this rhetorically--I truly want an answer.

There are lots of problems with the statewide plan to turn to large-scale biomass, outside of the C&D question. For example, in their Initial Comments to DOER on the proposed changes, the Conservation Law Foundation has written that “The currently proposed NOx emission limits are weaker than any of the proposed limits suggested in the Division’s 2005 biomass NOI.” Truly, NOx is a huge problem when burning wood, but lowering the emissions standards is not the answer.

Russell Biomass has announced to MEPA that they will exceed the federal NOx limit for New Source Review in an Ozone Non-attainment Area, and that they will purchase pollution credits. In the American Lung Association’s 2006 State of the Air Report, both Hampshire and Hampden Counties received a failing grade for ozone. We also have near epidemic rates of asthma here in Russell. With all due respect, we can by no means accommodate the poor plan to build wood waste incinerators here—even if there is a generous provision to purchase clean air elsewhere. The American Lung Association on Massachusetts (ALAM) has just issued a letter of concern over Russell Biomass, which you will see attached.

As for the claim that biomass is clean energy and will reduce carbon dioxide emissions, a PhD groundwater engineer living here in neighboring Montgomery has demonstrated that per megawatt hour, CO2 emissions from Russell Biomass will be 1.5 times greater than the worst of the top ten CO2 polluters in the northeast, as per MASSPIRG’s More Heat Than Light Report. As far as I can see, biomass’ place in the renewable energy platform is certainly more heat than light--on NOx and CO2 alone, not even counting the issue of contaminated fuels.

We urge you to redraft, keeping uppermost in your minds the need to clean up our air and preserve the health of our citizens. Omit C&D altogether, and look for ways to support worthy renewable energy projects through clearly written, meaningful, forward-thinking, and properly legislated changes to the RPS statute and program. As I understand the thrust of the Initial Comments submitted to your agency, this is in fact your mandate from the Governor, the Legislature, and the people. Whoever is asking you to turn this into an opportunity to dump some C&D or make a lot of money for old stokers is blowing smoke in the face of the people you work for—the taxpayers and voters of the Commonwealth.

I look forward to hearing from you.

Jana Chicoine